

Abstract

The topic of the thesis "*Participatory rights of the child in case law of the Constitutional Court*" is a specific complex of rights guaranteed to the child by the constitutional order of the Czech Republic and international treaties, especially the Convention on the Rights of the Child. The child has been viewed as a particular rights subject only in recent decades when the Constitutional Court rejected the idea of a child being an object of other's decision and granted children the status of a subject and a participant in proceedings. Participatory rights are an important set of children rights and can be summarized as the right to be informed about proceedings, the right to express opinions, the right to be notified about the decision of proceedings.

The thesis aims to present children rights of participation from the point of view of constitutional law, to focus on the development of the judiciary of the Constitutional Court, and subsequently to compare it with Czech and foreign literature. The first part of the thesis deals with the theoretical definition of the development of the position of the child from the nineteenth century to the present, the Convention on the Rights of the Child and its principles, as well as general participation rights in international and national law. The thesis also focuses on the specifics of the child's participation in court proceedings, the human dignity of the child, and the child as an active subject of rights. The second part deals with Article 12 of the Convention on the Rights of the Child, focusing on the various components of the article, i.e. the child's ability to formulate an opinion based on the child's age and maturity. The problem of looking at the child's opinion, including the concept of tokenism, cannot be neglected, and so that everyone is aware of the child's opinion, including the issue of the child's representation of the child's social and legal protection body as a conflict guardian. This part focuses on the case-law of the Constitutional Court, which is compared with the decisions of international or foreign courts and contemporary legal theory. The last part defines what violating the child's right to participate in the proceedings and not hearing the child in court out means.

Key words: participatory rights, child, Constitutional Court